

D O C U M E N T

UNITED NATIONS GENERAL ASSEMBLY

ITEM 3:

CREDENTIALS OF REPRESENTATIVES

- 1974 -

THE QUESTION OF
THE CREDENTIALS OF THE KHMER REPUBLIC
AT THE TWENTY-NINTH SESSION OF THE GENERAL ASSEMBLY

by

A. Gaffar Peang-Meth
Press & Information Attache
Embassy of the Khmer Republic
Washington, D.C.

Delegate of the Khmer Republic
29th Session of the United Nations
General Assembly

FEBRUARY 1975

JX
1977
.A48
K5
1974

JX
1977
.A48
K5
1974

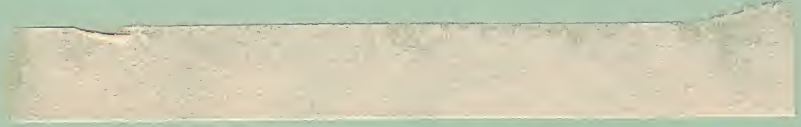
NORTHERN ARIZONA UNIVERSITY

1977
1974

1977
1974

1977
1974

1977
1974



I. RULES OF PROCEDURE

OF

THE GENERAL ASSEMBLY

The following are Rules 27, 28 and 29 of the rules of procedure concerning the credentials of representatives of Member States to the United Nations. These appeared in U.N. document A/520/Rev.12 (1974):

CREDENTIALS

Submission of credentials

Rule 27

The credentials of representatives and the names of members of a delegation shall be submitted to the Secretary-General if possible not less than one week before the opening of the session. The credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs.

Credentials Committee

Rule 28

A Credentials Committee shall be appointed at the beginning of each session. It shall consist of nine members, who shall be appointed by the General Assembly on the proposal of the President. The Committee shall elect its own officers. It shall examine the credentials of representatives and report without delay.

Provisional admission to a session

Rule 29

Any representative to whose admission a Member has made objection shall be seated provisionally with the same rights as other representatives until the Credentials Committee has reported and the General Assembly has given its decision.

III. FIRST REPORT OF THE CREDENTIALS COMMITTEE

Ylim...

OPENING OF 29TH SESSION

...and ... of

... ..

"I declare open the twenty-ninth regular session of the General Assembly," pronounced His Excellency Leopoldo Benites, Chairman of the Delegation of Ecuador and Temporary President of the General Assembly, officially opening the 29th Session of the General Assembly on Tuesday afternoon, September 17, 1974.

...

APPOINTMENT OF CREDENTIALS COMMITTEE

Following the opening of the 29th Session of the General Assembly by the Temporary President, a minute of silent prayer or meditation, and a short address by H.E. Benites, the Temporary President proposed for the Assembly's approval, the composition of the Credentials Committee in accordance with Rule 28 of the rules of procedure:

1. Belgium
2. China
3. Costa Rica
4. Philippines
5. Senegal
6. Union of Soviet Socialist Republics
7. United Republic of Tanzania
8. United States of America
9. Venezuela

As this proposal met with no objection from the Assembly, it was so decided that the above-mentioned countries became members of the Credentials Committee "to examine the credentials of representatives and report without delay."

FIRST REPORT

On September 27, 1974, at its 64th meeting, the Credentials Committee rendered its first decision on the credentials of representatives. On September 28, 1974, the Committee submitted its first report to the General Assembly (document A/9779).

III. SECOND REPORT OF THE CREDENTIALS COMMITTEE

On December 12, 1974, the Credentials Committee held its 65th meeting to consider the credentials of representatives to the 29th Session of the General Assembly. On December 13, 1974, the Credentials Committee, under the leadership of H.E. Alejandro D. Yango,* Deputy Permanent Representative of the Philippines to the United Nations submitted the Second Report for the consideration of the General Assembly (document A/9779/Add.1).

The report indicated that the credentials from all but two Member States had been received; the Maldives were not represented at the present session, so had submitted no credentials, and Peru's delegation had submitted only a photocopy of the original credentials, as the originals had been delayed by postal difficulties.

The Chairman of the Credentials Committee suggested the Committee accept the credentials as submitted to the Secretary-General and, as an exceptional measure, accept the credentials of Peru provided that the formal credentials be forwarded soon.

Subsequently, there was debate on the admissibility of the credentials of the representatives of the Khmer Republic.

DISCUSSION IN COMMITTEE

SENEGAL: REJECTION OF CREDENTIALS OF THE KHMER REPUBLIC

His Excellency Medoune Fall argued that General Assembly resolution 3238 (XXIX) of November 29, 1974, recognized "two parties to the conflict" "claiming lawful rights in Cambodia," thus, the Government of the Khmer Republic was not the only representative of the Cambodian people. H.E.

* The Credentials Committee was originally headed by H.E. Jose D. Ingles, Under-Secretary for Foreign Affairs and Vice-Chairman of the Filipino Delegation. Due to his duties at home H.E. Ingles left the United Nations and H.E. Yango was elected unanimously on December 12 to succeed H.E. Ingles as Chairman of the Committee.

Fall pointed out that in that resolution, against which his delegation had voted, the Assembly had made a decision "not to press for any further action until Member States have an opportunity to examine the report of the Secretary-General" at the 30th Session of the Assembly.

H.E. Fall concluded that the Credentials Committee could not and should not take any decision on the credentials of the Government of the Khmer Republic before the Secretary-General's report next year.

CHINA: CREDENTIALS OF THE KHMER REPUBLIC WERE "COMPLETELY NULL AND VOID"

China's delegate An Chih-yuan declared that the Royal Government of National Union of Cambodia (RGNUC) was the sole lawful government of Cambodia and the only authentic representative of the Cambodian people. He asserted that the RGNUC controls 90% of the territory and 80% of the population of Cambodia and is recognized by more than 60 countries. He stressed that it was "utterly illegal" for the Government of the Khmer Republic "to usurp Cambodia's seat in the United Nations," hence, its credentials were "completely null and void."

BELGIUM: CREDENTIALS OF THE KHMER REPUBLIC WERE IN ORDER

Belgian delegate, Patrick Nothomb argued that the function of the Credentials Committee was to consider whether credentials of representatives to the United Nations General Assembly had in fact been signed by the Head of State or Government or the Minister for Foreign Affairs. The Committee, he said, does not have the right to discuss substantive matters.

The Belgian delegate pointed out the credentials of the representatives of the Khmer Republic were in order.

TANZANIA: RGNUC WAS SOLE LEGITIMATE REPRESENTATIVE OF CAMBODIA

His Excellency Salim A. Salim, Permanent Representative of the United Republic of Tanzania, declared that Senegal's proposal was "sensible and absolutely logical." He argued that for the Credentials Committee to take action on the credentials of the representatives of the so-called Khmer Republic would be to contravene the "spirit if not the letter" of the Assembly's resolution 3238 (XXIX) by "giving legitimacy to a regime when the resolution says there are two claimants." H.E. Salim argued that the Royal Government of National Union of Cambodia is the sole legitimate representative of Cambodia.

COSTA RICA: FUNCTIONS OF CREDENTIALS COMMITTEE ARE NOT TO DISCUSS MERITS OF GOVERNMENTS

His Excellency Fernando Salazar Navarette, Permanent Representative of Costa Rica to the United Nations told the Committee that its functions were to examine credentials and to report on them to the General Assembly, and were not to discuss any proposal on the merits of governments. Any discussion on "whether we like a government or not" was outside the Committee's functions.

USSR: CREDENTIALS OF THE KHMER REPUBLIC COULD NOT BE ACCEPTED

Soviet delegate Vladimir B. Tulinov told the Committee that the Soviet Union had consistently favoured the restoration of the lawful rights of the RGNUC and found that Senegal's proposal was "well founded." Mr. Tulinov declared that the credentials of the representatives of the Khmer Republic could not be accepted.

USA: CREDENTIALS OF THE KHMER REPUBLIC WERE UNCHALLENGEABLE

U.S. delegate William E. Schauffele, Jr. told the Committee that the credentials of the Khmer Republic were unchallengeable and that the interpretations given by Senegal and Tanzania to the Assembly's resolution 3238 (XXIX) were unacceptable. He pointed out that the resolution did not give the Secretary-General any authority "to judge the legitimacy of either party" and that the last paragraph of the resolution applied only to the agenda item and not to the credentials.

SENEGAL: "DON'T FORCE US TO REOPEN THE DEBATE"

The Senegalese Representative told the Committee that the last paragraph of resolution 3238 (XXIX)* was also applicable to the work of the Credentials Committee and that under that same resolution the Committee could not accept the credentials of the representatives of the Khmer Republic. "Don't force us to reopen the debate," he said, "we must implement the resolution [3238 (XXIX)], and in so doing, it is not possible to accept the credentials of the Khmer Republic."

* The last paragraph of resolution 3238 (XXIX), i.e. paragraph 3 says: "Decides not to press for any further action until Member States have an opportunity to examine the report of the Secretary-General."

COSTA RICA: RESOLUTION 3238 (XXIX) HAS NOTHING TO DO WITH
THE FUNCTIONS OF THE COMMITTEE

H.E. Fernando Salazar Navarette told the Committee that the purpose of resolution 3238 (XXIX) was not to alter the functions of the Credentials Committee as set out in Rules 27 and 28 of the rules of procedure.

DRAFT RESOLUTION OF CREDENTIALS COMMITTEE

Following a procedural debate, the Chairman of the Committee, taking into consideration Senegal's viewpoints, proposed the following draft resolution for adoption:

The Credentials Committee,

Having examined the case of those representatives for whom credentials in the form required by rule 27 of the rules of procedure had not been received at the time of its first report,

1. Accepts as an exceptional measure the credentials received for the representatives of Peru, it being understood that the formal credentials will be forwarded as soon as possible;

2. Decides, in accordance with resolution 3238 (XXIX), to take no decision in so far as the credentials of the representatives of the Khmer Republic are concerned, since there are two contending parties claiming lawful rights in Cambodia;

3. Accepts the credentials of all representatives of the remaining Member States which have been received since the date of the first report of the Committee.

VOTING

The U.S. Representative requested separate votes on each operative paragraph of the draft resolution.

The Senegalese Representative declared that he could accept the draft resolution as a whole but with the American proposal for separate votes, he would propose the rejection of the credentials of the representatives of the Khmer Republic.

The American proposal to have separate votes was adopted by 5 votes to 4.

The Senegalese Representative quickly proposed that operative paragraph 2 be amended to include the Committee's rejection of the credentials of the representatives of the Khmer Republic. He pointed out that in the Assembly's resolution 3238 (XXIX), there were two contending parties claiming lawful rights in Cambodia.

The Tanzanian Representative told the Committee that if the Senegalese proposal regarding paragraph 2 was not adopted, he would then ask the Committee to add "with the exception of the credentials of the representative of the so-called Khmer Republic" at the end of paragraph 3.

PARAGRAPH 1

The Chairman then asked the Committee to vote on operative paragraph 1.

Operative paragraph 1 was adopted unanimously.

PARAGRAPH 2

At the request of Venezuela, the Credentials Committee chopped paragraph 2 into two parts for separate votes:

Part One, "Decides, in accordance with resolution 3238 (XXIX), to take no decision in so far as the credentials of the representatives of the Khmer Republic are concerned,"

Part Two, "Since there are two contending parties, claiming lawful rights in Cambodia."

Part One of paragraph 2 was rejected by 4 votes (Belgium, Costa Rica, Philippines, United States) to 3 (Senegal, USSR, Tanzania), with 1 abstention (Venezuela) and one delegation not taking part in the voting (China).

The Chairman then invoked rule 130* of the rules

* Rule 130 states:

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the

of procedure and announced that it was not necessary to vote on Part Two of the paragraph.

PARAGRAPH 3

Operative paragraph 3 as amended by Tanzania, which would have added the words "with the exception of the credentials of the representatives of the so-called Khmer Republic," was rejected by 5 votes (Belgium, Costa Rica, Philippines, United States, Venezuela) to 4 (China, Senegal, USSR, Tanzania).

Following the rejection of the amendment proposed by Tanzania, the Committee proceeded to vote on operative paragraph 3 of the original draft resolution.

The original paragraph 3 was adopted by 5 (Belgium, Costa Rica, Philippines, United States, Venezuela) to 3 (China, Senegal, Tanzania) with one abstention (USSR).

DRAFT RESOLUTION AS A WHOLE

The draft resolution as a whole (paragraphs 1 and 3) was then put to a vote. The result was 5 voted for (Belgium, Costa Rica, Philippines, United States, Venezuela), 1 voted against (China), 3 abstained (Senegal, USSR, Tanzania).

EXPLANATION OF VOTES IN COMMITTEE

His Excellency Dr. Adolfo R. Taylhardat, Deputy Permanent Representative of Venezuela explained that he had requested a separation of the vote on the original operative paragraph 2 because he was impressed by the argument of Senegal and Tanzania regarding the consequences of the Assembly's

amendment next furthest removed therefrom, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of the proposal.

resolution 3238 (XXIX) for the works of the Committee. But, he continued, since he had not sufficient time to give due consideration to the implications of the Assembly's resolution in this connection, he had asked for a separate vote on that part so that he could abstain.

China's delegate An Chih-yuan explained that he voted against the draft resolution as a whole because of the Committee's rejection of the Tanzanian amendment. He stressed that while China rejected the credentials of "the Lon Nol clique," China was in favour of the acceptance of other credentials.

His Excellency Medoune Fall of Senegal declared that Senegal had abstained on the whole draft resolution because it wanted to show its rejection of the credentials of the Khmer Republic. He asked that the Committee's report would include all the views of all the members.

The Legal Counsel, Erik Suy declared that the Committee's report would reflect the views of all members.

FINAL TEXT OF THE DRAFT RESOLUTION ADOPTED
BY THE CREDENTIALS COMMITTEE

The following is the text of the final resolution adopted by the Credentials Committee. The text and the Second Report of the Committee A/9779/Add.1 were submitted to the General Assembly for approval.

The Credentials Committee,

Having examined the case of those representatives for whom credentials in the form required by rule 27 of the rules of procedure of the General Assembly had not been received at the time of its first report, 1/;

1. Accepts, as an exceptional measure, the credentials received for the representatives of Peru, it being understood that the formal credentials will be forwarded as soon as possible;

2. Accepts the credentials of the remaining Member States which have been received since the date of the first report of the Committee.

IV. GENERAL ASSEMBLY DEBATE
ON SECOND REPORT OF THE
CREDENTIALS COMMITTEE

On Monday morning of December 16, 1974, the General Assembly was convened to discuss agenda item 3, entitled "Credentials of Representatives to the Twenty-Ninth Session of the General Assembly: Second Report of the Credentials Committee (A/9779/Add.1)."

His Excellency Alejandro D. Yango, Chairman of the Credentials Committee, presented the Second Report of the Committee to the Assembly for consideration and gave a brief account of the situation concerning the credentials of representatives to the 29th Session of the Assembly. Then he proposed: "I have the honour to present to the General Assembly for its approval the following draft resolution":

The General Assembly,

Approves the second report of the Credentials Committee.

The General Assembly President, His Excellency Abdelaziz Bouteflika, in calling for the opening of the debate on the Second Report, urged speakers to "confine themselves to essentials matters" because "the Assembly has already had a far-reaching debate on this subject."

DEBATE

SYRIAN ARAB REPUBLIC: AN AMENDMENT

His Excellency Dr. Haissam Kelani, Permanent Representative of the Syrian Arab Republic told the Assembly about his views of the Lon Nol Government:

That puppet Government now controls less than 10 per cent of Cambodian territory inhabited by about 15 per cent of the Cambodian people.

Thus the Lon Nol Government continues to be unrepresentative of the Cambodian people...

While speaking of the illegality of the Lon Nol Government and the illegality of its representatives in the General Assembly, H.E. Kelani reminded the Assembly of its resolution 3238 (XXIX) which recognized the fact that there are two rival parties in Cambodia, and which recommended no

decision should be taken in favour of either party until the General Assembly has considered the matter at the thirtieth session. "The logical sequence would be to reject the credentials of the representatives of the Khmer Republic," he added.

H.E. Kelani then proposed that the following words be added at the end of the draft resolution put forth by the Chairman of the Credentials Committee and requested that his amendment be put to a roll-call vote:

*With the exception of the credentials
of the representatives of the so-called
Khmer Republic**

SENEGAL: "MY DELEGATION SUPPORTS THE DRAFT AMENDMENT"

His Excellency Medoune Fall, Permanent Representative of Senegal recalled resolution 3238 (XXIX) as having two major features: 1) "it does not recognize that either party... has the exclusive privilege to represent the country" and 2) "it decides not to press for further action..." Based on these facts, H.E. Fall explained, Senegal proposed in the Credentials Committee to postpone a decision on the credentials of the so-called Khmer Republic. However, he said, the United States, "if not the father, at least the midwife of that resolution" opposed his proposal.

H.E. Fall then asked the Assembly to take note of the fact that in resolution 3238 (XXIX) no reference was made to the right of the Lon Nol Government to represent the Cambodian people in the General Assembly (he cited paragraph 1 and paragraph 3 of the resolution).

The Senegalese Representative argued that the Assembly's decisions must be respected. "But if we are to

* The Syrian amendment under document A/L.757 of December 16, 1974 reads:

The General Assembly,

Approves the second report of the Credentials Committee, except with regard to the credentials of the representatives of the so-called Khmer Republic.

proceed to change our decision for some extraordinary reason, then, we should do it in accordance with rule 81 that is, we must take a decision by a two-thirds majority on whether it is appropriate to reconsider paragraph 3 of resolution 3238 (XXIX)," he added. And he cited Rule 81 of the rules of procedure:

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the General Assembly, by a two-thirds majority of the members present and voting, so decides.

His Excellency Fall concluded that: "The draft resolution which the Chairman of the Credentials Committee had just introduced, calls on us to reconsider our vote on paragraph 3 of resolution 3238 (XXIX). We believe that this is hardly a businesslike approach..." The Senegalese Representative then added that his delegation supports the Syrian draft amendment.

ALBANIA: "THE REPRESENTATIVES OF THE LON NOL CLIQUE SHOULD BE EXPELLED"

Albanian Permanent Representative, His Excellency Rako Naco expressed his delegation's whole-hearted support for the Syrian draft amendment and pointed out that the RGNUC "controls more than 90 per cent of the territory of the country, and 85 per cent of the population of Cambodia lives in zones under its administration. More than 62 countries maintain diplomatic relations with that Government."

The Albanian Representative condemned the United States for its attempts through "manoeuvres, manipulation and pressures of all kinds" to impede "the achievement of the legitimate aspirations and rights of the Cambodian people" including the seating of the RGNUC in the United Nations. He continued:

Furthermore, the Soviet socialist imperialists are playing the role of false friend to the Cambodian people, while in various ways they maintain relations with the Phnom Penh clique.

The usurpation of the seat of Cambodia in the United Nations by a clique of traitors enjoying the direct support of the United States is a flagrant violation of the principles of the Charter that are the foundation of the United Nations, and constitutes a grave precedent in the activities of our Organization. All peace-loving peoples and countries demand that this situation be brought to

an end as soon as possible since it openly compromises the name of our Organization. The representatives of the Lon Nol clique should be expelled from the United Nations and the representatives of the Royal Government of National Union of Cambodia, led by Norodom Sihanouk, should be called upon to occupy their rightful seat here.

KHMER REPUBLIC: "WE WELCOME WITH SATISFACTION THE CONCLUSIONS OF THE SECOND REPORT"

Khmer delegate Or Kossalak expressed satisfaction with the Second Report of the Credentials Committee and said "we shall vote in favour of the adoption of that report." He continued:

Mr. President, responding most respectfully to your appeals for dignity in our debates on this serious problem of war and peace, I shall refrain from replying to the unjust allegations made by some delegations against the representatives of Cambodia, recognized by the United Nations since 9 October 1970 as having the new name "Khmer Republic." I should simply like to stress that the Khmer Republic was duly represented at the twenty-fifth, twenty-sixth, twenty-seventh and twenty-eighth sessions of the General Assembly, not to mention the special sessions and international or regional conferences held under the aegis of the United Nations. The credentials of its representatives were always accepted as valid.

I do not think it is necessary to dwell on the Khmer representation in this Organization since 18 March 1970, the date when Norodom Sihanouk was legally stripped of his powers by the Khmer Parliament. The archives of the Secretariat contain correspondence and official documents of the Security Council and the General Assembly relating to the events in my country which demonstrate the development and continuity of Khmer representation in the United Nations. Among those documents I would venture to refer to the text of a communique published on 6 April 1970 by the United Nations Secretariat to the effect that U Thant, then Secretary-General, on the basis of practice and on the advice of the Legal Department, had decided to deal with the authorities effectively controlling the Government of Cambodia -- in that case, the Government headed by the current President, Lon Nol. This is the text of the communique:

A telegram has been received from Prince Sihanouk which raises constitutional and legal problems which may have an influence on questions concerning the credentials of delegations. These questions are not decided by the Secretariat of the United Nations, but, when the problem arises, by the major deliberation bodies of the General Assembly. Until we receive instructions from these bodies, the normal practice in the Secretariat has been to deal with the authority clearly in control of the Government of a Member State.

The Khmer delegate told the Assembly that "attempts" and "manoeuvres" to reopen the debate on the substance of the matter and to reject the Khmer Republic's credentials "serve only to disturb the process of peace making recommended by that resolution 3238 (XXIX) and, as a consequence, to prolong the sufferings of the Khmer people, which all of us here would like to see ended as soon as possible."

INDONESIA: "LET US MAKE A CONCENTRATED EFFORT TOGETHER FOR THE RESTORATION OF PEACE IN CAMBODIA"

His Excellency Chaidir Anwar Sani, Permanent Representative of Indonesia reminded the Assembly that the Assembly had considered the credentials of the Khmer Republic's representatives four times already, and each time it had confirmed them. He then told the Assembly that the Khmer Credentials were in order:

The question now is whether those credentials conform to the terms of rule 27 of the rules of procedure of the General Assembly; whether they are issued in the proper form by the Head of State or Government or by the Minister for Foreign Affairs of the Khmer Republic. The Credentials Committee has found the credentials to be in good order and my delegation sees no reason why the General Assembly should not confirm the decision of the Credentials Committee. My delegation certainly sees no reason why the General Assembly should be pressed into debating the question of Cambodian representation all over again. My delegation for its part, has no intention of doing so. In our view we have concluded the debate on that item.

H. E. Anwar Sani then made the following appeal:

I should have liked to appeal to my friends to allow the Assembly to adopt the report of the Credentials Committee, as it stands and to withhold their arguments which have a bearing on the

substance until next year, when the General Assembly will again discuss the question of Cambodia. Let them register their reservations. But since they have introduced an amendment to the report of the Credentials Committee my delegation will vote against that amendment. Perhaps by the time the General Assembly meets for its thirtieth session a solution will have been found which will make a renewed confrontation between friends unnecessary. My delegation contemplates the possibility of a combined effort to bring to an end the fighting in Cambodia and the tragic sufferings of the Khmer people, on the basis of resolution 3238 (XXIX). Let us make a concentrated effort together for the restoration of peace in Cambodia.

SAUDI ARABIA: "I CAN LOOK YOU STRAIGHT IN THE EYE AND TELL YOU... THIS IS NOT THE WAY TO DO THINGS"

His Excellency Jamil M. Baroody, Permanent Representative of Saudi Arabia declared that "the Credentials Committee is only a formal, technical committee" and "has no right whatsoever to render any verdict on letters of accreditation aside from the formalistic verification of the authenticity of the signatures appearing on the accreditation documents submitted by the Governments of Member States."

H.E. Baroody recalled that it was only in 1970 that the Credentials Committee began to "scrutinize the validity, or lack of it" of Member States' credentials as a consequence of the "displeasure many of us felt at the policy of apartheid practiced by South Africa." He said that discussion in the Credentials Committee on whether a Member State has a de facto or a de jure Government since 1970 "have been out of order and a waste of time."

The Saudi Arabian Representative stated that if any State wishes to open up question on whether Cambodia should be represented by the RGNUC or the Government of the Khmer Republic in the United Nations, it could refer the question to the Sixth Committee. Then he continued:

My good friend from Senegal, I can look you straight in the eye and tell you that although you mean well, just as others mean well, this is not the way to do things...

You cannot make of the Credentials Committee a body of jurists, I repeat; and therefore all the discussion on this question has been out of order -- out of order. You are frittering away the time of the Assembly.

I am sorry, Mr. President, that I have taken so much time, but there must be parting of the ways. We cannot go on like this year in, year out. And you, Mr. Secretary-General, are my witness. If you do, and I am here, I will raise hell again. Hell -- maybe it's a good place because of the shortage of fuel these days.

LIBERIA: "MY DELEGATION FULLY SUPPORTS THE REPORT OF THE CREDENTIALS COMMITTEE"

Liberian delegate Christopher Minikon told the Assembly that his delegation is fully aware of arguments that since there are two rival parties claiming lawful rights in Cambodia, no action should be taken on the credentials of the representatives of the Khmer Republic. He added:

That argument, in the opinion of Liberia, does not appear to bear any relevance to the matter of the validity of credentials, since the essential elements with respect to the credentials of representatives, is that they identify the representatives, and that the documents in question be issued by the Head of State or Government or the Minister for Foreign Affairs. The credentials of the representatives of the Khmer Republic obviously fulfill these requirements, thus prompting the Credentials Committee to include them among other credentials as being valid.

In international relations, the question of recognition of the Government of a Member State does not arise when it comes to the matter of the credentials of representatives at international conferences. The status of the Khmer Republic as a Member State of the General Assembly is in no way affected by the request made to the Secretary-General to lend appropriate assistance to the two contending parties claiming lawful rights in Cambodia, as this question falls within another category of items being considered by the General Assembly. For all these reasons, my delegation fully supports the report of the Credentials Committee.

CHINA: "THE BANKRUPTCY OF THE RESOLUTION CONCOCTED SINGLE-HANDED BY THE UNITED STATES"

Chinese Permanent Representative Huang Hua told the Assembly that the RGNUC "has obtained firm support from

the broad masses of the Cambodian people at home and extensive international recognition."

"The essence of the Cambodian question lies in a super-Power's wanton subversion and aggression against a third-world country which pursued a policy of non-alignment, and its illegal deprivation of the rights of the lawful Government /RGNUC/ of this country in the United Nations," His Excellency Huang Hua added.

H.E. Huang Hua further stated that Prince Sihanouk "issued a statement on 28 November, strongly condemning and solemnly rejecting the so-called resolution /T3233 (XXIX)/ manufactured and forced through the General Assembly by the United States single-handed." "This," he said, "had declared the bankruptcy of the resolution concocted single-handed by the United States."

The Chinese Representative declared that China does not object to the credentials of other representatives referred to in the Second Report but called for the rejection of the credentials of the "Lon Nol clique" and issued firm support for the Syrian amendment.

V. VOTING

At this point, General Assembly Bouteflika called on the Assembly to render its decision on the Second Report of the Credentials Committee (A/9779/Add.1). He cited the draft resolution orally presented by the Chairman of the Committee and the amendment made by Syria.

The Senegalese Representative made a formal proposal to ask the Legal Counsel to give his interpretation of Rule 81.

H.E. Ivor Richard, Permanent Representative of Great Britain stated that he concurred with the Senegalese request to seek legal advice on the effect Rule 81 has on the draft resolution moved orally by the Chairman of the Credentials Committee, and asked that legal advice be sought also on whether or not Rule 81 applies to the Syrian amendment seconded by Senegal.

The Legal Counsel, Erick Suy, gave his legal opinion as follows:

1) The adoption of the Second Report of the Credentials Committee does not mean reconsideration of resolution 3238 (XXIX). The adoption would entail the acceptance of the credentials of the Khmer Republic and would maintain the de facto situation. This could not be regarded as "further action."

2) The Syrian amendment must be viewed in the light of paragraph 3 of resolution 3238 (XXIX). The adoption of that amendment would mean that the Assembly was taking no measures on the credentials of the Khmer Republic. The Syrian amendment would not require two-thirds majority provided in Rule 81.

President Bouteflika then called on the Assembly to vote on the Syrian amendment by roll-call vote as requested. The United Arab Emirates, having been drawn by lot by the President, was called upon to vote first. The following is the result:

In favor: United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaïre, Zambia, Afghanistan, Albania, Algeria, Bhutan, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Chad, China, Congo, Cuba, Czechoslovakia, Dahomey, Democratic Yemen, Equatorial Guinea, Gambia, German Democratic Republic, Ghana, Guinea, Guinea-Bissau, Guyana, India, Iraq, Kuwait, Libyan Arab Republic, Madagascar, Mali, Malta, Mauritania, Mauritius, Mongolia, Nepal, Niger, Pakistan, Poland, Romania, Senegal, Sierra Leone, Somalia, Sudan, Syrian Arab Republic, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics

Against: United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, Fiji, Germany (Federal Republic of), Greece, Grenada, Guatemala, Haiti, Honduras, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Kenya, Khmer Republic, Lesotho, Liberia, Luxembourg, Malawi, Malaysia, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Oman, Panama, Paraguay, Philippines, Portugal, Qatar, Rwanda, Saudi Arabia, Singapore, Spain, Swaziland, Thailand, Turkey.

Abstaining: United Arab Emirates, Bahrain, Bangladesh, Botswana, Burma, Cyprus, Ethiopia, Finland, France, Jamaica,

Laos, Lebanon, Morocco, Nigeria, Peru, Sri Lanka, Sweden, Trinidad and Tobago, Tunisia.

The amendment was rejected by 61 votes to 53, with 19 abstentions.

Four countries were absent during the vote: Egypt, Gabon, Hungary and Maldives. After the vote, Hungary informed the Secretariat that it had intended to vote in favour of the Syrian amendment.

President Bouteflika then called on the Assembly to vote on the draft resolution* presented orally by the Chairman of the Credentials Committee.

The draft resolution was adopted by 85 votes to 6, with 41 abstentions. The draft resolution became General Assembly resolution 3323 (XXIX).

Following the vote, Syria, Israel and Bhutan took the rostrum to explain their votes.

SYRIA: "WE OPPOSE THE CREDENTIALS OF ... THE ISRAELI AND ZIONIST AUTHORITIES"

H.E. Kelani expressed reservations on the credentials of Israel which occupied Arab territories and usurped the rights of the Palestinian people.

ISRAEL: "THE PRINCIPLE OF UNIVERSALITY"

H.E. Joel Barromi of Israel explained that Israel voted against the Syrian amendment "on the basis of, among other reasons, the principle of universality in the United Nations, to which Israel has consistently adhered."

Then he made a "clarification" on what he called the "diatribe against Israel" made by Syria.

BHUTAN: ABSTENTION BECAUSE OF REJECTION OF SYRIAN AMENDMENT

The delegate from Bhutan, Mr. Dago Tshering explained that his delegation abstained in the vote because the Syrian amendment had been rejected by the Assembly, but Bhutan supports the credentials of other delegations.

Thus, the General Assembly's consideration of agenda item 3 was concluded.

* The General Assembly,

Approves the Second Report of the Credentials Committee.

Scope of "credentials" in rule 27 of the
rules of procedure of the General Assem-
bly: statement by the Legal Counsel sub-
mitted to the President of the General
Assembly at his request

- EXCERPT -

1. The rules of procedure of the General Assembly do not contain a definition of credentials. Rule 27, however, provides:

The credentials of representatives and the names of members of a delegation shall be submitted to the Secretary-General if possible not less than one week before the date fixed for the opening of the session. The credentials shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs.

2. From this rule one may derive three essential elements with respect to credentials to the General Assembly:

- a) "Credentials" designate the representatives of the Member State to the General Assembly;
- b) They are to be submitted to the Secretary-General; and
- c) They are to be issued by the Head of the State or Government or by the Minister for Foreign Affairs.

3. Thus credentials for the General Assembly may be defined as a document issued by the Head of State or Government or by the Minister for Foreign Affairs of a State Member of the United Nations submitted to the Secretary-General designating the persons entitled to represent that Member at a given session of the General Assembly. Unlike the acceptance of credentials in bilateral relations, the question of recognition of a Government of a Member State is not involved....